

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 25, 2005. At the time of the Office Action, Claims 1-7, 9, 11-21, 23 and 24 were pending in this Application. Claims 1-7, 9, 11-21, 23 and 24 were rejected. Claims 1, 3-7, and 13-17 have been amended to more clearly define the features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Claim rejection under 35 USC §102:

Claims 1-7, 9, 13, 15, 17-18, 21 and 24 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,617,526 issued to Daniel P. Oran et al. ("Oran et al.").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicants substantially amended the independent claims according to the description of the present invention, for example, in particular according to paragraphs [0034]-[0036]. According to the present application a non-obstructive way of indicating messages to a user of an automation system can be obtained by displaying indicator tabs in a peripheral region of a display as shown for example in Figs. 5-7. At least one of these indicator tabs has a dual functionality. While in normal operation this tab can have assigned any functionality (see Fig. 6 tab "textual message"), upon the occurrence of an event a message indicator is superimposed on this tab as for example, shown in Fig. 7 ("BIT OVERFLOW"). Upon activation of this tab, the user is now navigated to the source of the event, for example, the location of a fault within the primary display window. See paragraph [0035]. Furthermore, this tab may be used in two modes, wherein activation for a first time period invokes the above function and activation for a second time period may generate a more detailed message in a pop-up window within the primary display area.

Oran does not disclose such a functionality. According to Oran, whenever a specific event occurs, either an additional icon 38 is displayed in the status bar or a pop-up message

window is generated. Oran does disclose indicator tabs in form of the “Start” button and the program buttons on the left side of the status bar 24. However, Oran does not disclose to superimpose an message indicator over one of these tabs. In particular Oran does not disclose the specific process which is invoked upon activation of such a tab, namely to navigate the user to the source of the event in the primary display area.

Rejections under 35 U.S.C. §103

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Oran et al. as applied to Claims 1 and 7 above, and further in view of U.S. Patent 6,385,662 issued to Billy Gayle Moon et al. (“Moon et al.”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 12, 14, 16 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oran et al. as applied to Claims 1 and 17 above, and further in view of U.S. Patent 5,689,416 issued to Takanori Shimizu et al. (“Shimizu et al.”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Oran et al. and Shimizu et al., as applied to Claims 17, 18, and 20 above, and further in view of Moon et al. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

The dependent claims include all the limitations of the respective independent claims. At this time, Applicants would like to defer any arguments regarding patentability with respect to these claims until allowance of the independent claims.

Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Andreas Grubert at 512.322.2545.

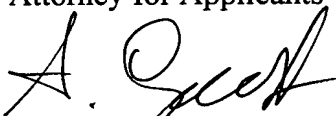
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



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Limited Recognition No. L0225
Limited Recognition Under 37 C.F.R. §11.9(b)

Date: August 24, 2005

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